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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/748,139	12/31/2003	Kenichi Kuroda	501.40803VX1	6867	
20457 75	20457 7590 11/03/2005			EXAMINER	
	, TERRY, STOUT & K	QUACH, TUAN N			
1300 NORTH S SUITE 1800	1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			PAPER NUMBER	
ARLINGTON,				2826	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
4						
Office Action Summary	10/748,139	KURODA ET AL.				
Office Action Summary	Examiner	Art Unit				
The MAILING DATE of this communication and	Tuan Quach	2826				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period was realized to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONED	l. ely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
,	Responsive to communication(s) filed on <u>04 April 2005</u> .					
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closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1 and 22-28</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
7) Claim(s) <u>1 and 22-28</u> is/are rejected.	6)⊠ Claim(s) <u>1 and 22-28</u> is/are rejected.					
8) Claim(s) are subject to restriction and/or	r election requirement.					
	·					
Application Papers						
9) The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on <u>31 December 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:						
1.☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No. <u>09/985,309</u> .						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list	of the certified copies not receive	d.				
Attachment(s)	_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2/14/05:12/31/03.		atent Application (PTO-152)				

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

For brevity, et al. is omitted.

Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lur (5,924,006) taken with Koubuchi (6,261,883).

Regarding claims 22, 28, Lur teaches semiconductor device comprising semiconductor element 15 formed in substrate 10, first insulation 16 formed thereover, dummy patterns 24 first wiring 24 (the right most one), second wiring 24, third wiring 20. See, e.g., Fig. 7, column 2 line 35 to column 4 line 7. Lur lacks primarily the explicit recitation of the dummy wirings having different planar size.

Koubuchi teaches Fig. 34, column 23 line 40-52, dummy interconnections 34 including patterns of differing planar size. The advantages include improved flatness of the insulating film and decreased capacitance.

It would have been obvious to one skilled in the art in practicing the above invention to have employed dummy interconnections including patterns of differing planar size since such is conventional and advantageous as taught by Koubuchi to obtain improved flatness and decreased capacitance. Conversely, although Koubuchi does not recite the underlying semiconductor element and connection thereto via the third wiring, such would have been obvious as shown in Lur above wherein applications involving a given semiconductor element can be made and interconnection thereto can be obtained using a functional interconnection or wiring.

Regarding claim 23, the use of same layer to form the wirings correspond to process limitation not patentable over the structures as shown. Alternatively, such use would have been conventional and advantageous wherein the same layer is deposited and patterned as shown in Lur and Koubuchi, e.g., column 12 lines 54-57, Figs. 12, 13. Regarding claims 24, the arrangement of the first and second dummy wirings in row and/or column direction would have been conventional and obvious as shown in Fig. 34, 12, 13, etc. Regarding claim 26, the provision of the second insulating layer would have been obvious as shown in Lur, above, e.g., layer 28, and as shown in Koubuchi above wherein improved flatness of the insulating film is taught. Regarding claim 27, the use of aluminum or copper for the wiring layer is well known in the art as evidenced by Koubuchi, column 12 lines 54-57.

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The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. Patent No. 6,693,315 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 corresponds to the claimed subject matter encompassed in claim 1 of '315, see, e.g., column 17 lines 55-67 and wherein the wirings now claimed are encompassed in the circuit elements in claim 1 of '315 the conductive islands as in claim 1 corresponds to the subject matter in claim 5 of '315.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tuan Quach whose telephone number is 571-272-1717. The examiner can normally be reached on M-F from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Nathan Flynn, can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Quach
Primary Examiner